UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,577	10/31/2003	Robert Hale Grant	112-0348US/233-605-USP	1563

85197   7590   03/27/2012
Brocade-Wong Cabello Lutsch Rutherford
& Brucculeri LLP
20333 Tomball Parkway, 6th Floor
Houston, TX 77070

EXAMINER
SURVILLO, OLEG

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
03/27/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

WCPatent@counselip.com
klutsch@counselip.com
sconroy@counselip.com

	Application No.	**Applicant(s)**
	10/699,577	GRANT ET AL.
Office Action Summary	**Examiner**	**Art Unit**	
	OLEG SURVILLO	2442	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 July 2010</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on
_____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) <u>2-5,9,11-14,18,23-25 and 29-35</u> is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) <u>2-5,9,11-14,18,23-25 and 29-35</u> is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☒ The drawing(s) filed on <u>23 June 2010</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submissions dated July 22, 2010 and June 23, 2010 have been entered.

Response to Amendment

2.   Claims 2-5, 9, 11-14, 18, 23-25, and 29-35 remain pending in the application. Claims 2, 9, 34, and 35 are currently amended. Claims 1, 6-8, 10, 15-17, 19-22, and 26-28 have been canceled. No new claims have been added.

Response to Arguments

3.   With regard to the applicants' remarks dated June 23, 2010:

Regarding objection to drawings, applicant's amendment to provide replacement drawing sheet has been fully considered and is sufficient. Therefore, the objection has been withdrawn.

It is noted that amendment to the specification has been entered with correction to replace paragraph number [0029] with page 8 line 28 to page 9 line 5 since the specification as filed does not include paragraph numbers.

Regarding the rejection of claims 34 and 35 under 35 U.S.C. 101, applicant's

amendment has been fully considered and is sufficient. Therefore, the rejection has

been withdrawn.

Regarding the rejection of claim 35 under 35 U.S.C. 112, second paragraph,

applicant's amendment has been fully considered and is sufficient. Therefore, the

rejection has been withdrawn.

Regarding the rejection of claims 2-5, 9, 11-14, 18, 23-25, and 29-35 under 35

U.S.C. 103(a), applicant's amendment and arguments have been fully considered but

are not persuasive for the reasons explained in the Advisory action dated 07/14/2010.

However, upon further consideration, new grounds of rejection are made as presented

below.

As to any arguments not specifically addressed, they are the same as those

discussed above.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

5.   Claims 2-5, 9, 11-14, 18, 23-25, and 29-35 are rejected under 35 U.S.C. 102(e)

as being anticipated by Czeiger et al. (US 6,683,883 B1).

As to claim 2, it is noted that claim language "for coupling", "to process", "to

identify", "to implement", "to determine", and "to cease" fails to positively recite claimed

functionality therefore rendering the gateway essentially capable of performing recited

functionality. Applicants are advised to amend claim 2 and other system claims 9 and

34 such as to have functionality positively recited.

As to claim 2, Czeiger teaches a gateway (Fig. 1) comprising:

a first port for coupling to a first network [gateway 12 interfacing with TCP/IP

network 16] (col. 5 lines 21-22; Fig. 1);

a second port for coupling to a second network [gateway 12 interfacing with FC

network 32] (col. 5 lines 21-22; Fig. 1);

wherein the gateway is configured to:

        process packets received by and to be output from said first and second

        ports [transparently transferring data between iSCSI and FCP devices] (col. 2

        lines 37-33) to identify at least one service provided by the first network that is

        not provided by the second network [identifying a login request in the TCP/IP

        network where there is no session established with FCP device in the FC

        network] (col. 6 lines 1-14; Fig. 2);

        implement said at least one service on behalf of the second network [send

        login command to a target FCP device in the second network in response to the

        login request from the device in the first network] (col. 6 lines 14-18; Fig. 2);

determine when the at least one service is implemented in the second

network [determine when target device provided login response such as to

establish a virtual connection with the initiator device, as per login request of the

initiator device] (col. 6 lines 18-20; Fig. 2); and

cease implementing said at least one service in favor of allowing the

second network to provide the at least one service after determining that the at

least one service is implemented in the second network [once the login response

is received from the target device in the second network, the gateway sends

initiator a reply to login request thus completing the initial login procedure] (col. 6

lines 23-26; Fig. 2).

As to claim 3, Czeiger teaches that at least one of the first and second networks

comprises a Fibre Channel network (col 4. lines 46-67).

As to claim 3, Czeiger teaches that at least one of the first and second networks

comprises an Internet Protocol network (col 4. lines 46-67).

As to claim 5, Czeiger teaches that at least one of the first and second networks

comprises a storage area network (SAN) (col 4. lines 46-67).

As to claim 9, Czeiger teaches a gateway (Fig. 1) comprising:

a first port for coupling to a first network [gateway 12 interfacing with TCP/IP network 16] (col. 5 lines 21-22; Fig. 1);

a second port for coupling to a second network [gateway 12 interfacing with FC network 32] (col. 5 lines 21-22; Fig. 1);

wherein the gateway is configured to:

process packets received by and to be output from said first and second ports [transparently transferring data between iSCSI and FCP devices] (col. 2 lines 37-33) to identify at least one service provided by the first network that is not provided by the second network [identifying a login request in the TCP/IP network where there is no session established with FCP device in the FC network] (col. 6 lines 1-14; Fig. 2); and

process packets received by and to be output from said first and second ports [transparently transferring data between iSCSI and FCP devices] (col. 2 lines 37-33) to implement said at least one service on behalf of the second network [send login command to a target FCP device in the second network in response to the login request from the device in the first network] (col. 6 lines 14-18; Fig. 2);

wherein the at least one service comprises a security service implemented on behalf of the second network [login procedure is implemented by the gateway on behalf of the second network] (col. 6 lines 1-32; Fig. 2).

As to claim 11, Czeiger teaches a method for configuring a heterogeneous

network across a gateway comprising

coupling a first port to a first network [gateway 12 interfacing with TCP/IP network

16] (col. 5 lines 21-22; Fig. 1);

coupling a second port to a second network [gateway 12 interfacing with FC

network 32] (col. 5 lines 21-22; Fig. 1);

identifying at least one service provided by the first network that is not provided

by the second network [identifying a login request in the TCP/IP network where there is

no session established with FCP device in the FC network] (col. 6 lines 1-14; Fig. 2);

implementing said at least one service in the gateway on behalf of the second

network while the second network is unable to implement that service [send login

command to a target FCP device in the second network in response to the login request

from the device in the first network, while the login command cannot be sent to a target

FCP device directly] (col. 6 lines 14-18; Fig. 2);

determining when the at least one service is implemented in the second network

[determine when target device provided login response such as to establish a virtual

connection with the initiator device, as per login request of the initiator device] (col. 6

lines 18-20; Fig. 2); and

ceasing the implementation of said at least one service in the gateway in favor of

allowing the second network to provide the at least one service [once the login response

is received from the target device in the second network, the gateway sends initiator a

reply to login request thus completing the initial login procedure] (col. 6 lines 23-26; Fig. 2).

As to claims 12, 23, and 29, Czeiger teaches all the elements as discussed per claim 3 above.

As to claims 13, 24, and 30, Czeiger teaches all the elements as discussed per claim 4 above.

As to claims 14, 25, and 31, Czeiger teaches all the elements as discussed per claim 5 above.

As to claim 18, Czeiger teaches a method for configuring a heterogeneous network across a gateway comprising

coupling a first port to a first network [gateway 12 interfacing with TCP/IP network 16] (col. 5 lines 21-22; Fig. 1);

coupling a second port to a second network [gateway 12 interfacing with FC network 32] (col. 5 lines 21-22; Fig. 1);

identifying at least one service provided by the first network that is not provided by the second network [identifying a login request in the TCP/IP network where there is no session established with FCP device in the FC network] (col. 6 lines 1-14; Fig. 2); and

implementing the at least one service in the gateway on behalf of the second network while the second network is unable to implement that service [send login command to a target FCP device in the second network in response to the login request from the device in the first network, while the login command cannot be sent to a target FCP device directly] (col. 6 lines 14-18; Fig. 2); wherein

the at least one service provided by the first network is a security service [fist network requires login procedure] (col. 6 lines 1-32; Fig. 2); and

the act of implementing the at least one service in the gateway comprises implementing a security service on behalf of the second network [the gateway requiring the target device to perform login procedure on behalf of the second network] (col. 6 lines 1-32; Fig. 6).

As to claims 32 and 33, Czeiger teaches that said at least one service comprises a discovery service [login procedure generates a "connection-pair" that is stored as a mapping within connection mapping table and allows the initiator device to discover and exchange data with the target device] (col. 6 lines 26-32).

As to claim 34, Czeiger teaches a gateway comprising first port, a second port, and a device coupled to the first and the second ports and configured to perform the functionality as discussed per claim 2 above.

As to claim 35, Czeiger teaches all the elements as discussed per claim 11 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLEG SURVILLO whose telephone number is (571)272-9691. The examiner can normally be reached on Mon-Thu 9:00am - 6:30pm; Fri 10:00am - 6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Oleg Survillo

Phone: 571-272-9691

Direct Fax: 571-273-9691

/Douglas B Blair/
Primary Examiner, Art Unit 2442